

1 Nancy Weng, Esq.  
2 Tsao-Wu & Yee, LLP  
3 99 N. 1st Street, Suite #200  
4 San Jose, CA 95113  
5 (408) 635-2334 (tel)  
6 (415) 777-2298 (fax)  
7 nweng@tsaoyee.com

8  
9 Attorney for Debtor  
10  
11  
12  
13  
14

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA**

In re  
Majid Marhamat

Debtor.

Case No. 10-59396  
Chapter 7

**MOTION TO AVOID JUDICIAL LIEN  
UNDER 11 U.S.C. §522 (f)(1)(A)**  
(Lawrence Wu and Melea Men)

COMES NOW Majid Marhamat, ("Debtor"), by and through his attorney, Nancy Weng, Esq. to file this Motion to Avoid Judicial Lien Under 11 U.S. C. §522 (f)(1)(A).

1. Debtor filed a Chapter 7 petition for relief pursuant to Title 11 of the U.S. Bankruptcy Code under the above referenced bankruptcy case number 10-59396 on September 9, 2010.

2. The Debtor bring this Motion to Avoid Judicial Lien Under 11 U.S.C. §522 (f)(1)(A) seeking an order from the Court avoiding the judicial lien(s) held by the creditor, Lawrence Wu and Melea Men, which impairs the Debtor's homestead exemption (See attached Schedule C) to which the Debtor would otherwise be entitled under California law.

3. 11 U.S.C. §522(f)(1) allows the Debtor to avoid the fixing of certain liens to the extent that such liens impair an exemption. Section 522 (f)(1) states in pertinent part:

(f)(1) Notwithstanding any waiver of exemptions, but subject to paragraph (3), the Debtor may avoid the fixing of a lien of an interest of the Debtor in property to the extent that such lien impairs an exemption to which the Debtor would have been entitled under subsection (b) of this section, if such liens is -(A) a judicial lien...

1       4. Among the assets the Debtor owns is his residence located at 18394 Montpere Way,  
2 Saratoga, CA 95070-4746 (hereinafter "Property"), which is a dwelling listed on Schedule A (See  
3 attached Amended Schedule A). Title to the Real Property is held by the Debtor. See the  
4 Declaration of Debtor, Majid Marhamat.

5       5. On or about August 20, 2008, Stephen R. Oliver, Esq. of Oliver & Stephenson, on  
6 behalf of Lawrence Wu and Melea Men, obtained a judicial lien on the Property. (See attached  
7 Abstract of Judgment) This judicial lien is entered into record in the County of Santa Clara as  
8 follows:

9	Plaintiffs	Lawrence Wu and Melea Men
10	Defendant	Majid M. Marhamat
11	Basis	Judgment
12	Amount	\$267,859.38

13             Case No. 106cv067705 Santa Clara County Superior Court  
14             Recorder's Document Number: 19960842 on August 20, 2008

15       6. Debtor estimates the fair market value of the subject real property at the time of this  
16 bankruptcy petition filing was no more than \$795,000.00, as evidenced by the accompanying  
17 Declaration of Majid Marhamat, Debtor herein.

18       7. At the time of this petition filing, the Real Property was encumbered by a first lien  
19 with Bank of America in the approximate amount of \$563,000.00; and a second lien with  
20 GreenPoint Mortgage Funding in the amount of \$196,000.00 (See attached Schedule D).

21       8. Pursuant to 11 U.S.C. 522(f)(2)(A), the equation by which a judicial lien is  
22 determined to be void is as follows:

23              "For the purposes of this subsection, a lien shall be considered to impair an  
24 exemption to the extent that the sum of-

- 25              (i) the lien,
- 26              (ii) all other liens on the property; and
- 27              (iii) the amount of the exemption that the Debtor could claim if there were no liens  
28              on the property exceeds the value that the Debtor's interest in the property  
            would have in the absence of any liens."

29       9. In applying the formula in *Hanger v. Bank of America (In re Hanger)*, 217 B.R.  
30 592,595 (9<sup>th</sup> Cir. DAP 1997), the judicial liens impair the exemption as follows:  
31

1 Fair Market Value of Subject Property \$795,000.00  
2 1<sup>st</sup> Deed of Trust (Bank of America) \$563,000.00  
3 2nd Deed of Trust (GreenPoint) \$196,000  
4 Exempt Portion of equity in the Real Property \$75,000  
5 Non-Exempt Portion of equity in the Real Property \$0

6 10. Debtor believes and therefore alleges that the judicial lien entered by Lawrence Wu  
7 and Melea Men in the amount of \$267,859.38 impairs Debtor's Homestead Exemption, to which the  
8 Debtor is entitled and therefore, should be avoided.

9  
10 WHEREFORE, Debtor prays that this Court issue an Order avoiding the judicial lien of  
11 Lawrence Wu and Melea Men and for other such declaratory or other relief as the Court deems just  
12 and proper.

13  
14 Date: August 17, 2017

15  
16 /s/ Nancy Weng  
17 Nancy Weng, Esq.  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

In re

**Majid Marhamat**

Case No. \_\_\_\_\_

Debtor

**SCHEDULE C - PROPERTY CLAIMED AS EXEMPT**

Debtor claims the exemptions to which debtor is entitled under:

(Check one box)

- 11 U.S.C. §522(b)(2)  
 11 U.S.C. §522(b)(3)

Check if debtor claims a homestead exemption that exceeds  
\$146,450. (Amount subject to adjustment on 4/1/13, and every three years thereafter  
with respect to cases commenced on or after the date of adjustment.)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
<b>Real Property</b>			
18394 Montpere Way Saratoga, CA 95070-4746	C.C.P. § 704.730	75,000.00	950,000.00
<b>Household Goods and Furnishings</b>			
Household furnitures Location: 18394 Montpere Way, Saratoga CA 95070-4746	C.C.P. § 704.020	1,000.00	100.00
<b>Wearing Apparel</b>			
Clothes Location: 18394 Montpere Way, Saratoga CA 95070-4746	C.C.P. § 704.020	500.00	500.00

Total: 76,500.00 950,600.00

Fill in this information to identify your case and this filing:

Debtor 1

**Majid Marhamat**

First Name

Middle Name

Last Name

Debtor 2

(Spouse, if filing)

First Name

Middle Name

Last Name

United States Bankruptcy Court for the: **NORTHERN DISTRICT OF CALIFORNIA**

Case number **10-59396**

Check if this is an amended filing

## Official Form 106A/B

### Schedule A/B: Property

12/15

In each category, separately list and describe items. List an asset only once. If an asset fits in more than one category, list the asset in the category where you think it fits best. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

#### Part 1: Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In

##### 1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?

No. Go to Part 2.

Yes. Where is the property?

1.1

**185394 Montpere Way**

Street address, if available, or other description

**Saratoga                    CA                    95070-4746**

City                              State                              ZIP Code

**Santa Clara**

County

##### What is the property? Check all that apply

- Single-family home
- Duplex or multi-unit building
- Condominium or cooperative
- Manufactured or mobile home
- Land
- Investment property
- Timeshare
- Other \_\_\_\_\_

Do not deduct secured claims or exemptions. Put the amount of any secured claims on Schedule D: Creditors Who Have Claims Secured by Property.

Current value of the entire property?

**\$795,000.00**

Current value of the portion you own?

**\$795,000.00**

Describe the nature of your ownership interest (such as fee simple, tenancy by the entirety, or a life estate), if known.

**Fee simple**

Check if this is community property  
(see instructions)

##### Who has an interest in the property? Check one

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Other information you wish to add about this item, such as local property identification number:

##### 2. Add the dollar value of the portion you own for all of your entries from Part 1, including any entries for pages you have attached for Part 1. Write that number here.....=>

**\$795,000.00**

#### Part 2: Describe Your Vehicles

Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. If you lease a vehicle, also report it on Schedule G: Executory Contracts and Unexpired Leases.

##### 3. Cars, vans, trucks, tractors, sport utility vehicles, motorcycles

No

Yes

**4. Watercraft, aircraft, motor homes, ATVs and other recreational vehicles, other vehicles, and accessories***Examples:* Boats, trailers, motors, personal watercraft, fishing vessels, snowmobiles, motorcycle accessories

- No  
 Yes

**5 Add the dollar value of the portion you own for all of your entries from Part 2, including any entries for pages you have attached for Part 2. Write that number here.....=>**

\$0.00

**Part 3: Describe Your Personal and Household Items****Do you own or have any legal or equitable interest in any of the following items?**

**Current value of the portion you own?**  
 Do not deduct secured claims or exemptions.

**6. Household goods and furnishings***Examples:* Major appliances, furniture, linens, china, kitchenware

- No  
 Yes. Describe.....

**7. Electronics***Examples:* Televisions and radios; audio, video, stereo, and digital equipment; computers, printers, scanners; music collections; electronic devices including cell phones, cameras, media players, games

- No  
 Yes. Describe.....

**8. Collectibles of value***Examples:* Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; stamp, coin, or baseball card collections; other collections, memorabilia, collectibles

- No  
 Yes. Describe.....

**9. Equipment for sports and hobbies***Examples:* Sports, photographic, exercise, and other hobby equipment; bicycles, pool tables, golf clubs, skis; canoes and kayaks; carpentry tools; musical instruments

- No  
 Yes. Describe.....

**10. Firearms***Examples:* Pistols, rifles, shotguns, ammunition, and related equipment

- No  
 Yes. Describe.....

**11. Clothes***Examples:* Everyday clothes, furs, leather coats, designer wear, shoes, accessories

- No  
 Yes. Describe.....

**12. Jewelry***Examples:* Everyday jewelry, costume jewelry, engagement rings, wedding rings, heirloom jewelry, watches, gems, gold, silver

- No  
 Yes. Describe.....

**13. Non-farm animals***Examples:* Dogs, cats, birds, horses

- No  
 Yes. Describe.....

**14. Any other personal and household items you did not already list, including any health aids you did not list**

- No  
 Yes. Give specific information.....

15. Add the dollar value of all of your entries from Part 3, including any entries for pages you have attached for Part 3. Write that number here .....

\$0.00

**Part 4: Describe Your Financial Assets**

**Do you own or have any legal or equitable interest in any of the following?**

**Current value of the portion you own?**  
Do not deduct secured claims or exemptions.

**16. Cash**

*Examples:* Money you have in your wallet, in your home, in a safe deposit box, and on hand when you file your petition

- No  
 Yes.....

Institution name:

**17. Deposits of money**

*Examples:* Checking, savings, or other financial accounts; certificates of deposit; shares in credit unions, brokerage houses, and other similar institutions. If you have multiple accounts with the same institution, list each.

- No  
 Yes.....

Institution name:

**18. Bonds, mutual funds, or publicly traded stocks**

*Examples:* Bond funds, investment accounts with brokerage firms, money market accounts

- No  
 Yes.....

Institution or issuer name:

**19. Non-publicly traded stock and interests in incorporated and unincorporated businesses, including an interest in an LLC, partnership, and joint venture**

- No  
 Yes. Give specific information about them.....

Name of entity:

% of ownership:

**20. Government and corporate bonds and other negotiable and non-negotiable instruments**

*Negotiable instruments* include personal checks, cashiers' checks, promissory notes, and money orders.

*Non-negotiable instruments* are those you cannot transfer to someone by signing or delivering them.

- No  
 Yes. Give specific information about them

Issuer name:

**21. Retirement or pension accounts**

*Examples:* Interests in IRA, ERISA, Keogh, 401(k), 403(b), thrift savings accounts, or other pension or profit-sharing plans

- No  
 Yes. List each account separately.

Type of account:

Institution name:

**22. Security deposits and prepayments**

Your share of all unused deposits you have made so that you may continue service or use from a company

*Examples:* Agreements with landlords, prepaid rent, public utilities (electric, gas, water), telecommunications companies, or others

- No  
 Yes. ....

Institution name or individual:

**23. Annuities (A contract for a periodic payment of money to you, either for life or for a number of years)**

- No  
 Yes.....

Issuer name and description.

**24. Interests in an education IRA, in an account in a qualified ABLE program, or under a qualified state tuition program.**

26 U.S.C. §§ 530(b)(1), 529A(b), and 529(b)(1).

- No  
 Yes.....

Institution name and description. Separately file the records of any interests.11 U.S.C. § 521(c):

**25. Trusts, equitable or future interests in property (other than anything listed in line 1), and rights or powers exercisable for your benefit**

- No  
 Yes. Give specific information about them...

**26. Patents, copyrights, trademarks, trade secrets, and other intellectual property***Examples:* Internet domain names, websites, proceeds from royalties and licensing agreements

- No  
 Yes. Give specific information about them...

**27. Licenses, franchises, and other general intangibles***Examples:* Building permits, exclusive licenses, cooperative association holdings, liquor licenses, professional licenses

- No  
 Yes. Give specific information about them...

**Money or property owed to you?**

**Current value of the portion you own?**  
 Do not deduct secured claims or exemptions.

**28. Tax refunds owed to you**

- No  
 Yes. Give specific information about them, including whether you already filed the returns and the tax years.....

**29. Family support***Examples:* Past due or lump sum alimony, spousal support, child support, maintenance, divorce settlement, property settlement

- No  
 Yes. Give specific information.....

**30. Other amounts someone owes you***Examples:* Unpaid wages, disability insurance payments, disability benefits, sick pay, vacation pay, workers' compensation, Social Security benefits; unpaid loans you made to someone else

- No  
 Yes. Give specific information..

**31. Interests in insurance policies***Examples:* Health, disability, or life insurance; health savings account (HSA); credit, homeowner's, or renter's insurance

- No  
 Yes. Name the insurance company of each policy and list its value.

Company name:

Beneficiary:

Surrender or refund value:

**32. Any interest in property that is due you from someone who has died**

If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, or are currently entitled to receive property because someone has died.

- No  
 Yes. Give specific information..

**33. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment***Examples:* Accidents, employment disputes, insurance claims, or rights to sue

- No  
 Yes. Describe each claim.....

**34. Other contingent and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims**

- No  
 Yes. Describe each claim.....

**35. Any financial assets you did not already list**

- No  
 Yes. Give specific information..

**36. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached for Part 4. Write that number here.....**

\$0.00

**Part 5: Describe Any Business-Related Property You Own or Have an Interest In. List any real estate in Part 1.**

**37. Do you own or have any legal or equitable interest in any business-related property?**

- No. Go to Part 6.  
 Yes. Go to line 38.

**Part 6: Describe Any Farm- and Commercial Fishing-Related Property You Own or Have an Interest In.**  
If you own or have an interest in farmland, list it in Part 1.**46. Do you own or have any legal or equitable interest in any farm- or commercial fishing-related property?**

- No. Go to Part 7.  
 Yes. Go to line 47.

**Part 7: Describe All Property You Own or Have an Interest in That You Did Not List Above****53. Do you have other property of any kind you did not already list?**

Examples: Season tickets, country club membership

- No  
 Yes. Give specific information.....

**54. Add the dollar value of all of your entries from Part 7. Write that number here .....****\$0.00****Part 8: List the Totals of Each Part of this Form**

55. Part 1: Total real estate, line 2 .....		\$795,000.00
56. Part 2: Total vehicles, line 5	\$0.00	
57. Part 3: Total personal and household items, line 15	\$0.00	
58. Part 4: Total financial assets, line 36	\$0.00	
59. Part 5: Total business-related property, line 45	\$0.00	
60. Part 6: Total farm- and fishing-related property, line 52	\$0.00	
61. Part 7: Total other property not listed, line 54	\$0.00	
62. Total personal property. Add lines 56 through 61...	\$0.00	Copy personal property total
63. Total of all property on Schedule A/B. Add line 55 + line 62		\$795,000.00

**In re Majid Marhamat**

Case No.

**Debtor**

**SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS**

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband Wife Joint or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODE H W J C T O R	Husband, Wife, Joint, or Community	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL			UNSECURED PORTION, IF ANY
				CONTINGENT	UNLIQUIDATED	DISPUTED	
Account No. <b>xxxxxx0903</b>			<b>03/7/2003</b>				
Bank of America 300 Ellinwood Way Suite 201 Pleasant Hill, CA 94523			<b>First Mortgage</b>  <b>- 18394 Montpere Way Saratoga, CA 95070-4746</b>				
			Value \$ <b>950,000.00</b>				<b>563,000.00</b> <b>0.00</b>
Account No. <b>NA</b>			<b>10/21/2003</b>				
GreenPoint Mortgage Funding 100 Wodd Hollow Drive Novato, CA 94945			<b>Second Mortgage</b>  <b>- 18394 Montpere Way Saratoga, CA 95070-4746</b>				
			Value \$ <b>950,000.00</b>				<b>196,000.00</b> <b>0.00</b>
Account No.							
			Value \$				
Account No.							
			Value \$				
<b>0</b> continuation sheets attached				Subtotal (Total of this page)			<b>759,000.00</b> <b>0.00</b>
				Total			<b>759,000.00</b> <b>0.00</b>
				(Report on Summary of Schedules)			

RECORDING REQUESTED BY

AND

WHEN RECORDED MAIL TO:

STEPHEN L. OLIVER  
ATTORNEY AT LAW  
2176 THE ALAMEDA  
SAN JOSE, CA 95126

DOCUMENT: 19960842

Pages: 4



Fees 18.00  
Taxes  
Copies  
AMT PAID 18.00

REGINA ALCOMENDRAS  
SANTA CLARA COUNTY RECORDER  
Recorded at the request of  
Attorney

RDE # 001  
8/20/2008  
11:09 AM

( SPACE ABOVE THIS LINE FOR RECORDER'S USE )

JUDGMENT BY DEFAULT BY COURT

DOCUMENT TITLE

SEPARATE PAGE, PURSUANT TO GOVT. CODE 27361.6

3149

Non-Order Search

Doc: CASCLR:19960842

Case: 10-59396 Doc# 25 Filed: 08/23/17 Entered: 08/23/17 14:13:41 Page 11 of

Page 1 of 4

14

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): STEPHEN R. OLIVER 77630 OLIVER & STEPHENSON 2176 THE ALAMEDA; SAN JOSE, CA 95126		TELEPHONE NO.: (408) 244-9200	FOR COURT USE ONLY
		FILED	
ATTORNEY FOR (Name): PLAINTIFF <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA</b> STREET ADDRESS: 191 N. FIRST ST. MAILING ADDRESS: CITY AND ZIP CODE: SAN JOSE, CA 95113 BRANCH NAME:		2008 AUG 18 P 1:48 BARTHY WENDEL D. Wendel SOS	
PLAINTIFF: LAWRENCE WU, MELEA MEN			
DEFENDANT: MAJID MARHAMAT			
<b>JUDGMENT BY DEFAULT BY COURT</b> <input type="checkbox"/> Ex Parte (by declaration) <input type="checkbox"/> After Hearing on Date _____		Case No.: 106 CV 067705	

The defendant(s) MAJID MARHAMAT

having been regularly served with summons and copy of complaint, having failed to appear and answer said complaint within the time allowed by law, and the default of said defendant, having been duly entered, upon application of plaintiff to the Court, and after having heard the testimony and considered the evidence, or pursuant to affidavit on file herein, the Court ordered the following JUDGMENT:

It is ordered and adjudged that plaintiff(s) LAWRENCE WU, MELEA MEN

have and recover from said defendant, the amount of:

Principal	<u>230,000.00</u>
Pre-judgment interest	<u>34,496.88</u>
Cost	<u>362.50</u>
Attorneys fees	<u>3,000.00</u>

The total sum of the above \$ 267,859.38

CONTINUED ON ATTACHMENT 1 FOR JUDGMENT FOR SPECIFIC PERFORMANCE OF SALE  
CONTRACT FOR 18394 MONTPERE WAY, SARATOGA, CA

Dated: \_\_\_\_\_

SIGNED ON ATTACHMENT

Judge of the Court

Dated: \_\_\_\_\_

, Clerk

By       , Deputy Clerk

## ATTACHMENT I

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to the terms of the Residential Purchase Agreement between the parties of January 15, 2004, defendant shall deliver to plaintiffs, through a title company with title insurance, a good and sufficient warranty deed, conveying to the plaintiffs in fee simple, free of personal Tax Liens and Judgment Liens, the following described real property located in the City of Saratoga, County of the Santa Clara, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Commonly known as: 18394 Montpere Way  
Saratoga, CA 95070  
APN 403-23-029

Dated 18 August 2008

  
John W. Marion  
JUDGE OF THE SUPERIOR COURT

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

LOT 53, as shown upon that certain Map entitled, "TRACT NO. 1866 VILLA SARATOGA UNIT NO. 3," which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on June 28, 1957 in Book 84 of Maps at Page 3.

EXCEPTING THEREFROM the underground water or rights thereto, with no rights of surface entry, as conveyed to San Jose Water Works, a California corporation, by Deed recorded in Book 3862 of Official Records, Page 230.

APN/ARB: 403-23-029

THE FOREGOING INSTRUMENT IS  
A CORRECT COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE  
ATTEST: DAVID H. YAMASAKI

AUG 18 2008

CHIEF EXECUTIVE OFFICER/CLERK  
SUPERIOR COURT OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA CLARA  
BY D. Wendel DEPUTY

